

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27188 PERMIT 18829 LICENSE _____

ORDER TO APPROVE A NEW DEVELOPMENT SCHEDULE,
AND AMEND THE PERMIT

WHEREAS:

1. Permit 18829 was issued to Robert Lee Hudson and Betty Lou Hudson on April 8, 1983 pursuant to Application 27188.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has agreed to Board action taken of the inclusion of specific terms and conditions relative to the diversion of water from Huichica Creek for Permit 18829.
4. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
5. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.
6. The permittee has agreed to the addition of permit terms for the protection of fish and wildlife.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1993

(0000008)

2. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1994

(0000009)

3. Condition 12 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

4. Condition 17 is added to this permit as follows:

For the protection of fish and wildlife in Huichica Creek, permittee shall during the period: (a) from December 1 through February 29 not divert unless flow in Huichica Creek exceeds 10 cubic feet per second and (b) from March 1 through April 30 not divert unless flow in Huichica Creek exceeds 2 cubic feet per second. The total streamflow shall be bypassed whenever the flow in Huichica Creek is less than the amount designated above. (0140061)

5. Condition 18 is added to this permit as follows:

No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained. (0060062)

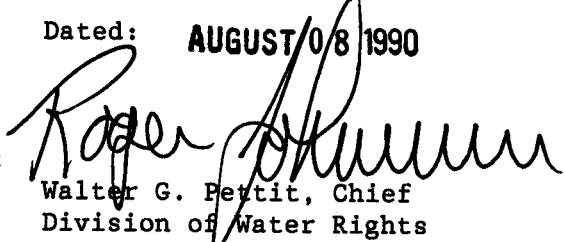
6. Condition 19 is added to this permit as follows:

In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no modification of any stream channel shall be commenced until permittee has entered into a stream alteration agreement with the Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the modification plans. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0000063)

7. Condition 20 is added to this permit as follows:

The State Water Resources Control Board reserves jurisdiction over this permit to impose further conditions for the protection of fish and other aquatic species should an investigation by the California Department of Fish and Game indicate that the authorized diversion adversely impacts such species. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (0400600)

Dated: AUGUST 08 1990

for 
Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

18829

PERMIT_____

Application 27188 of Robert Lee Hudson and Betty Lou Hudson
1310 Hestia Way, Napa California 94558

filed on January 25, 1982, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed Stream	Huichica Creek thence
	Hudeman Slough thence
	Second Napa Slough thence
	Sonoma Creek thence
	San Pablo Bay

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
North 2,550 feet and East 1,480 feet from SW corner of Projected Section 24	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	24	5N	5W	MD

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Wildlife Enhancement Fire Protection						
Recreational Stockwatering	Unnamed Reservoir In W $\frac{1}{2}$	24	5N	5W	MD	
Irrigation	S $\frac{1}{2}$ of NW $\frac{1}{4}$	24	5N	5W	MD	35
	N $\frac{1}{2}$ of SW $\frac{1}{4}$	24	5N	5W	MD	30
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	24	5N	5W	MD	10
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	24	5N	5W	MD	35
	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	25	5N	5W	MD	5
	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	25	5N	5W	MD	15
					Total	130

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 48 acre-feet per annum to be collected from December 1 of each year to May 15 of the succeeding year.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 1, 1986. —————> (0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1987. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable methods of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. Permittee shall comply with the following provisions which are also included in the stipulation between permittee and Buena Vista Winery, Inc. executed on November 16, 1982:

This permit is subject to all prior rights of Buena Vista Winery, Inc.

Permittee shall allow representatives of Buena Vista Winery, Inc. reasonable access to the reservoir for the purpose of water supply inspection. (000T001)

15. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for (0050043) appropriation under this permit may be released.

16. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, San Francisco Bay Region, or by the State Water Resources Control Board.

Failure of permittee to comply with this term will subject the permit to revocation, after opportunity for hearing. (0000100)

Added
see
order {
17 - 0140061
18 - 0060062
19 - 0000063
20 - 0400600

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: APRIL 8 1983

STATE WATER RESOURCES CONTROL BOARD

Raymond Wash
Chief, Division of Water Rights

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